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## OLR Bill Analysis

### HB 5141 (as amended by House "A")\*

#### ***AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, SNOWMOBILE OR ALL-TERRAIN VEHICLE.***

#### **SUMMARY:**

This bill broadens the range of penalties a municipality may impose for multiple violations of certain motorized vehicle ordinances. It does so by authorizing municipalities with ordinances concerning (1) dirt bike operation and use on public property or (2) all-terrain vehicle (ATV) or snowmobile operation and use, to include in the ordinances a provision allowing the municipality to confiscate a dirt bike, ATV, or snowmobile used in a third or subsequent ordinance violation.

Under the bill, the confiscated item is forfeited, subject to any bona fide lien, lease, or security interest. But, the bill prohibits an owner or lienholder's interest from being forfeited due to someone else's act or omission if the owner or lienholder did not know, and could not have reasonably known, that the dirt bike, ATV, or snowmobile was being used, or was intended to be used, by another person in violation of a municipal ordinance.

The bill requires a municipality's chief executive officer to sell forfeited dirt bikes, ATVs, or snowmobiles at a public auction. Sale proceeds must be given to the municipal treasurer for deposit into the municipality's general fund.

Current law authorizes municipalities with ordinances on dirt bike, snowmobile, and ATV operation and use to set the penalty for violating such ordinances at no more than:

1. \$1,000 for the first violation,

2. \$1,500 for the second violation, and
3. \$2,000 for the third or subsequent violation.

\*House Amendment "A" adds (1) conditions under which a dirt bike, ATV, or snowmobile is not subject to forfeiture and (2) that forfeited items must be sold at a public auction, with proceeds going into the municipality's general fund.

EFFECTIVE DATE: October 1, 2014

### **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Change of Reference  
Yea 15 Nay 0 (03/12/2014)

Judiciary Committee

Joint Favorable  
Yea 39 Nay 1 (04/02/2014)